GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Cooperation Department – Departmental Proceedings initiated against Sri K.N.Manohar, Assistant Registrar (Retired), Chittoor on the allegation of irregularities in sanction of loan and sale of DKT Land in Survey No.667/1 to an extent of 5.44 acres in Surappakasam Village, Renigunta PACS, Chittoor District under Rule 20 of A.P.C.S.(CC&A) Rules, 1991 – Inquiry conducted – Charge held proved – Imposing of penalty – Orders – Issued.

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AGRICULTURE & CO-OPERATION(VIG.II) DEPARTMENT

G.O.Rt.No.153 **Dated:12.02.2024**

Read the following :-

1. G.O.Ms.No.23, Agri. & Coop.(Vig.II)Dept., dated:13.07.2019.
2. G.O.Rt.No.161, Agri. & Coop.(Vig.II)Dept., dated:20.02.2019.
3. Written statement of defence dated:27.03.2019 of Sri K.N.Manohar, Assistant Registrar((U/s) (Retired), Chittoor.
4. Govt.Memo No.34021/19/2018/SO(VIG.II), dated:09.01.2020.
5. Govt.Memo No.34021/19/2018/SO(VIG.II), dated:16.06.2021.
6. Inquiry report dated:13.09.2021 of Sri K. Chandrasekhar Reddy, DCO, Madanapalle & Inquiring Authority.
7. Govt.Memo No.34021/19/2018/SO(VIG.II), dated:28.10.2021.
8. Representation dated:08.06.2022 of Sri K.N.Manohar, Assistant Registrar((U/s) (Retired), Chittoor.
9. Govt.Memo No.34021/19/2018/SO(VIG.II), dated:31.03.2023.
10. Representation dated:17.05.2023 of Sri K.N.Manohar, Assistant Registrar((U/s) (Retired), Chittoor.
11. Letter No.AGC06-29035/96/2018-SEVCES-CCRCS. dated: 25.10.2023 of the CC&RCS, A.P., Guntur.
12. Govt.Letter No.34021/COOP/19/Vig.II/2018(495405), dated:04.11.2023.
13. Letter No.GAD03-APPS0DCC/111/2023-DC-SEC-APPSC (Computer No.2272104), dated:31.01.2024 of the Secretary, APPSC, Vijayawada.

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O R D E R:

In a disciplinary case, based on the proposal of the Commissioner for Cooperation & Registrar of Cooperative Societies, A.P. on the allegation of irregularities in sanction of loan and sale of DKT Land in Survey No.667/1 to an extent of 5.44 acres in Surappakasam Village, Renigunta PACS, Chittoor District, Government had initiated departmental proceedings by framing the following article of charge against Sri K.N.Manohar, Assistant Registrar (Retired), Chitoor vide G.O's 1st & 2nd read above:-

Article of Charge:

"That Sri K.N.Manohar, Assistant Registrar (Retired), while he was working as Assistant Registrar/ OSD (FAC) in District Cooperative Central Bank Limited, Chittoor has committed irregularities in executing the E.P.No.41/2013-14 by violating the rules prescribed in Andhra Pradesh Civil Services Act, 1964 and disposed off the DKT land in Survey No.667/1 extent of 5.44 acres in Surappakasam Village, Renigunta Primary Agricultural Cooperative Society. Hence, the Charge".

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2. The Charged Officer has submitted his written statement of defence on 27.03.2019 denying the charge framed against him.

3. Since the Charged Officer has denied the charge framed against him, Government, in the reference 4th read above, issued orders appointing Sri Y.Nagasiva Kumar, Deputy Registrar / Audit Officer, O/o District Cooperative Officer, Chittoor as Inquiring Authority to conduct detailed inquiry into the charge framed against Sri K.N.Manohar, Assistant Registrar (U/s) (Retired). Smt. S.V.Nagavardhana, Divisional Cooperative Officer, Tirupati was also appointed as Presenting Officer to present the case on behalf of the disciplinary authority in support of the article of charge framed against the Charged Officer.

4. Subsequently, in the reference 5th read above, partial modification orders were issued appointing Sri K. Chandrasekhar Reddy, Divisional Cooperative Officer, Madanapalle as Inquiring Authority in place of Sri Y.Nagasiva Kumar, Deputy Registrar / Audit Officer, O/o District Cooperative Officer, Chittoor to conduct regular inquiry into the charge framed against Sri K.N.Manohar, Assistant Registrar (U/s) (Retired), in the instant disciplinary case.

5. After conducting regular inquiry, Sri K. Chandrasekhar Reddy, Divisional Cooperative Officer, Madanapalle & Inquiring Authority has submitted the inquiry report dated:13.09.2021 concluding that, on thorough examination of all the material evidences and on examination of the replies given by Sri K.N.Manohar, Assistant Registrar(U/s)(Retired) during the inquiry, it is construed that there occurred procedural lapses in sanction of loan and irregularities committed in issue of Section 71 certificate, filing Execution Petition and in the process of sale vide E.P.No.41/2013-14 by Sri K.N.Manohar, Assistant Registrar(U/s) (Retired). Sri K.N.Manohar, Assistant Registrar / Officer on Special Duty, Chittoor District Cooperative Central Bank Limited, Chittoor has misused his official powers as Deputy Registrar / Officer on Special Duty, Chittoor District Cooperative Central Bank Limited, Chittoor to confirm the irregular sale of 5.44 acres of DKT land, which is valuable land and nearer to Tirupati town for a meager overdue amount Rs.17,375/- with further interest and also not obtained NOC from the Revenue authorities while sale of DKT land and it is clear that he was colluded with the Judgment Debtor who is employee of P.A.C.S. in another society in Tirupati Division and with Sri P. Nagaraju, the then Director, Chittoor District Cooperative Central Bank Limited, Chittoor / Purchaser of the land and also with the sale officer of Bank. He was an employee of Chittoor District Cooperative Central Bank Limited, Chittoor to convert the valuable assigned DKT land as patta land under armor of the provisions of sale procedure of Rule 52 of the A.P.C.S. Rules, 1964 with ulterior motive for unlawful benefits in the sale of DKT land. Hence, the article of charge framed against Sri K.N.Manohar, Assistant Registrar(U/s)(Retired) is held proved.

6. After examining the inquiry report dated:13.09.2021, Government have accepted the findings of the Inquiring Authority in the instant disciplinary case. Accordingly, in the reference 7th read above, copy of inquiry report dated:13.09.2021 was communicated to the Charged Officer Sri K.N.Manohar, Assistant Registrar(U/s) (Retired) directing to submit his written representation / objections on the findings of the Inquiring Authority in the inquiry report under Rule 21(2) of A.P.C.S.(CCA)Rules, 1991, for taking further course of action in the matter.

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7. In turn, the Charged Officer has submitted his representation dated:08.06.2022 denying the observations of the Inquiry Officer that the Charged Officer conducted sale of disputed land. In fact, the sale of disputed land was conducted by the Sale Officer, District Cooperative Central Bank Limited, Chittoor. The Charged Officer has further submitted that according to the Inspection Officer under Section 52, there were no procedural lapses against him and there were neither financial loss to the P.A.C.S. not to the borrower. He has finally submitted that, there were no specific allegations proved guilty against him.

8. Government, after careful examination of the matter with reference to the record of inquiry, have provisionally decided to impose a penalty of 5% cut in pension for a period of 10 years against the Charged Officer Sri K.N.Manohar, Assistant Registrar(U/s) (Retired) in the instant disciplinary case. Accordingly, a Show Cause Notice dated:31.03.2023 was served on the Charged Officer under Rule 9 of A.P.Revised Pension Rules, 1980.

9. In response to the Show Cause Notice dated:31.03.2023, the Charged Officer Sri K.N.Manohar, Assistant Registrar(U/s) (Retired) has submitted his representation dated:17.05.2023 stating that, the departmental Inquiry Officer to safeguard the 52 Inspection Officer prepared the questionnaire basing on the Section 52 Inspection Report. The departmental Inquiry Officer has submitted his report against him with his own views and without going into the reply submitted by him. He has submitted evidence of copy W.P.No.14743 and 14750 of 2007 dated:26.07.2007 on the file of Hon'ble High Court of A.P. issued by the Hon'ble Mr.Justice L.Narasimha Reddy before the departmental Inquiry Officer Sri K.Chandrasekhar Reddy. But, he has not gone through it wherein it was clearly ordered that the DKT land losses its validity whenever it is mortgaged to a Cooperative Society for a loan for Agriculture purpose and it will not be called as Government Land. The Inquiry Officer, Sri K.Chandrasekhar Reddy, the Divisional Cooperative Officer, Madanapalli also hold the post of the District Cooperative Officer(FAC) and the District Cooperative Officer was the 4th Respondent in the Writ Petition No.9701/2021 filed by him and pending in the Hon'ble High Court of A.P. Vijayawada. Finally, he has requested the Government that as the W.P.No.9701/2021 is pending before the Hon'ble High Court of A.P., the penalty of 5% cut in the eligible pension cannot be imposed on him and if action taken it will become subjudice.

10. After thorough examination of the matter with reference to the record of inquiry, Government have observed that, the Charged Officer Sri K.N.Manohar, Assistant Registrar(U/s)) (Retired) has not put-forth any new grounds in his representation dated:17.05.2023 for consideration and it may not subjudice in the W.P.No.9701/2021 on imposing a penalty against the Charged Officer. Therefore, Government have confirmed the provisional decision and decided to impose a "penalty of 5%(five %) cut in eligible pension for a period of 10 years against the C.O. Sri K.N.Manohar, Assistant Registrar(U/s) (Retired), Chittoor under Rule 9 of A.P.Revised Pension Rules, 1980, in the instant disciplinary case. Accordingly, the A.P.Public Service Commission has been addressed for their concurrence vide reference 12th read above.

11. In turn, the Secretary, A.P.Public Service Commission in his letter dated:31.01.2024, has informed that, after careful examination of the disciplinary case in the light of the records made available, Commission

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agrees with the proposal of the Government to impose the penalty of "five percent (5%) cut in eligible pension for a period of ten (10) years" against Sri K.N.Manohar, Assistant Registrar(U/s) (Retired), Chittoor and advise accordingly.

12. After thorough examination of the matter with reference to the record of inquiry and keeping in view of the concurrence of the A.P.Public Service Commission vide its letter dated:31.01.2024 , Government hereby order to impose a "penalty of five percent (5%) cut in eligible pension for a period of ten (10) years against Sri K.N.Manohar, Assistant Registrar(U/s) (Retired), Chittoor under Rule 9 of A.P.Revised Pension Rules, 1980, in the instant disciplinary case.

13. The Commissioner for Cooperation & Registrar of Cooperative Societies, A.P., Guntur shall take further necessary action in the matter, accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PARDESH)

CHIRANJIV CHOUDHARY, IFS,
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri K.N.Manohar,
Assistant Registrar(U/s) (Retired), Chittoor.
(Through: The Commissioner for Cooperation & Registrar of Cooperative Societies, A.P., Guntur)
The Commissioner for Cooperation & Registrar of Cooperative Societies, A.P., Guntur
Copy to:-
The Accountant General, A.P., Vijayawada.
SF/SC.

// FORWARDED::BY ORDER //

K. Sampath Kumar
SECTION OFFICER